



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/697,542	08/27/1996	ROBERT S. BLOCK	003750-006	9969

21839 7590 04/09/2002

BURNS DOANE SWECKER & MATHIS L L P  
POST OFFICE BOX 1404  
ALEXANDRIA, VA 22313-1404

EXAMINER

SRIVASTAVA, VIVEK

ART UNIT	PAPER NUMBER
----------	--------------

2611

DATE MAILED: 04/09/2002

32

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/697,542

Applicant(s)  
Robert S. Block

Examiner  
Vivek Srivastava

Art Unit  
2611



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Mar 15, 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 16-18, 23-40, 42, and 44-60 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 27-33, 35, 36, and 52-54 is/are allowed.
- 6) ☒ Claim(s) 16-18, 23-26, 34, 37-40, 42, 44-51, and 55-57 is/are rejected.
- 7) ☒ Claim(s) 58-60 is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 20) ☐ Other:

Art Unit: ~~2711~~ 264

## DETAILED ACTION

### *Claim Rejections - 35 U.S.C. § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 16 - 18, 22, 31 - 33, 37, 44 - 51 and 55 - 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over West.

Considering claim 16, West discloses the following claimed subject matter, note:

1) the claimed an apparatus for creating a local information label, the local information label comprising a plurality of category labels which identify categories of program content is met by column 5 lines 1 - 29, column 15 lines 3 - 19 and column 7 lines 5 - 10,

2) the claimed means for assigning a value to each of the category labels based on the received answers is met by column 5 lines 20 - 40 and column 7 lines 28 - 40,

3) the claimed means for forming the local information label based on the values assigned to each of the category labels is met by column 5 lines 20 - 40 and column 7 lines 28 - 40 (local information label is exclusion code formed from inputting values for category label),

Art Unit: 2711

except for:

1) the claimed means for presenting questions to a user which are related to the category labels,

2) the claimed means for receiving answers to the questions presented to the user.

Regarding 1) and 2), West discloses of inputting information as to the PIN#, the rating system(s), and the censorship ratings, for the plurality of household members. West also discloses that the apparatus prompts the user for information like "ENTER YOUR PIN NUMBER". In addition West suggests presenting questions to the user for obtaining the desired information. It would have been obvious to present to the user "ENTER YOUR PIN NUMBER" in the form of a question to obtain the needed information. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a means for presenting questions to a user which are related to the category labels and to include a means for receiving answers presented to the user to obtain the needed information for forming the individual labels.

Considering claim 17, West does not specifically disclose the claimed wherein the questions presented to the user are indirectly related to the category labels.

It would have been obvious to include questions presented to the user in the invention of West (claim 16). West disclose of assigning and inputting PIN# for the plurality of household members. It would have been obvious that the PIN# were indirectly related to the category labels. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that questions presented to the user were indirectly related to the

Art Unit: 2711

category labels because the PIN# was used to access the information and category label for each individual and was not part of the information or category label thus resulting in an indirect relationship, whereas the censorship ratings formed the information or category label and would have been directly related to the information/category label as discussed in claim 16.

Considering claim 18, West does not specifically disclose the claimed wherein the questions presented to the user are descriptive phrases which describe the categories of program content associated with the category labels.

It would have been obvious to present questions to the user regarding the censorship ratings in the invention of West (claim 16). West discloses of describing the content of the of the programming with descriptive phrases by pressing a button to provide the user with the descriptive phrases which describe the categories. It would have been obvious to present the user with questions with descriptive phrases which describe the categories of program content associated with the category labels. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to present the user with descriptive phrases which describe the categories of program content associated with the category labels because it would have been known to provide the user with descriptive phrases which describe the categories as disclosed by west and it would have been obvious to include descriptive phrases when prompting the user to input the ratings because it would have been known that the phrases would have described the categories for inputting ratings.

Art Unit: 2711

Considering claim 22, West discloses the following claimed subject matter, note the claimed an apparatus for selecting a local information label for a program user is met by column 5 lines 3 - 40, except for:

- 1) the claimed means for storing a plurality of local information labels associated with a plurality of user ages,
- 2) the claimed means for inputting an age of the user,
- 3) the claimed means for activating one of the plurality of local information labels based on the input age of the user.

Regarding 1), 2), and 3), West discloses of storing a plurality of local information labels associated with a plurality of household users, wherein each of the household members is assigned a PIN for identification means for tv access where each PIN is associated with an information label which is stored in memory and is activated with inputting a PIN number. West also cites that household members are assigned a PIN number with a different level of censorship with respect to different ages (col 5 lines 31 - 40). It would have been obvious to utilize the age as PART of the pin number since the age of the individual would have been an easy number to remember. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to store a plurality of local information labels associated with a plurality of user ages and means for inputting an age as part of PIN # to activate one of the information labels because it would have been obvious that utilizing an the age as PART of the PIN number would have provided a simpler means for remembering a PIN number.

Art Unit: 2711

Considering claim 44, West discloses:

(1) means for storing a local label associated with at least one user (col. 5 lines 1-40)

(2) means for selecting local information label associated with at least one user based upon the identification of at least one user (col. 5 lines 1-40, col. 7 lines 29-40).

except for:

(1) means for identifying at least one user, wherein at least one user is identified via one of voice recognition, physical feature recognition or fingerprint recognition.

The Examiner takes official notice that voice recognition, physical feature recognition or fingerprint recognition would have been known as an effective means of identification of an individual. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify West to include fingerprint recognition, physical feature recognition, or fingerprint recognition because these forms of identification would have been known to be effective.

Considering claim 45, West discloses an information access system in which the information has associated therewith an information label which specifies at least one aspect of the content of the information and determining at least one aspect of the content of the information based upon its associated information label but fails to disclose the claimed scheduling the presentation of an advertisement based upon the at least one aspect of the content of the information.

Art Unit: 2711

The Examiner Takes Official Notice it would have been well known in the art to schedule an advertisement presentation to obscene material based on the content of the material.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify West to include the claimed scheduling a presentation to prevent the viewing of obscene material.

Considering claim 46, West fails to disclose the claimed wherein the advertisement is scheduled to be presented within a predetermined time after the at least one aspect of the content of the invention.

As discussed in claim 45, it would have been obvious to schedule an advertisement. It would have been obvious to present the advertisement within a predetermined time after the content to prevent the viewing of obscene material. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify West to include the claimed limitation to prevent the viewing of obscene material.

Considering claim 47, West fails to disclose the claimed information label specifies at least a level and type of content related to sex or violence, and wherein the advertisement is scheduled to be presented within a predetermined time after the determination of sex or violence in the information.

The Examiner Takes Official Notice it would have been well known to schedule an advertisement for viewing after determining the content contains sex or violence to prevent viewing of this obscene material. Therefore, it would have been obvious to one having ordinary



Art Unit: 2711

skill in the art at the time the invention was made to modify West to include the claimed limitation to prevent viewing of the obscene material.

Considering claim 48, West discloses storing an information label associated with one user and selecting a local information label based upon the identification of at least one user. West fails to disclose the claimed identifying at least one user based upon recognition of the voice, finger print of other physical feature of at least one user.

The Examiner Takes Official Notice it would have been well known in the art to utilize voice, finger print, or other physical feature as means for identification to provide access to only authorized persons. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify West to include the claimed limitation to prevent un-authorized access to the system.

Considering claim 49, West discloses receiving at a user station information which is associated with an information label that specifies at least one aspect of the content of the information. West fails to disclose the claimed storing about the received information in association with the identity of the user in response to the information label associated with the received information to compile a history of information use for the user.

The Examiner Takes Official Notice it would have been well known in the art to utilize this method for compiling a history of information use for the user to provide for the user information which a user would find useful and interesting. Therefore, it would have been

Art Unit: 2711

obvious to one having ordinary skill in the art at the time the invention was made to modify West to include the claimed limitation to provide useful and interesting programming to a user.

Considering claims 50 and 55 - 57, West fails to disclose the claimed additional steps of presenting to a user a menu of information comprising television programs available for viewing, wherein the menu comprises programs selected based on a user's input enjoyment ratings for programs previously viewed..

The Examiner Takes Official Notice it would have been well known in the art to provide a menu of television programming based on a user's input enjoyment ratings for programs previously viewed to provide a menu of interesting programming options for a viewer. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify West to include the claimed limitations to provide the user with a menu of interesting programming options.

Considering claim 51, West fails to disclose the claimed additional step of receiving information based upon the stored history.

The Examiner Takes Official Notice it would have been well known in the art to receive information based on the stored history to compile a list of programs which a user would find interesting. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify West to include the claimed limitation to provide a list of interesting programs for the user.

Art Unit: 2711

3. Claims 23 - 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over West in view of Lawler (5,758,259).

Considering claim 23, West discloses the following claimed subject matter, note:

1) the claimed means for receiving at a user station a program which includes a program signal and a transmitted information label having at least one category label value which identifies a content of the program signal is met by column 4 lines 58 - 67 and column 5 lines 1 - 40,

2) the claimed means for storing an identification code of the user for each program presented to the user is met by column 5 lines 1 - 40 (stored user ID provides access to programs),

except for:

1) the claimed means for storing the at least one category label value for programs presented to the user to compile a viewing history for the user.

West discloses of presenting to the user programming which can be censored from the user location. Lawler also discloses of providing programming to the user, and teaches of a server providing to the user a menu of preferred programming based on a user's history (col 4 lines 44 - 53 and col 5 lines 55 - 60). It would have been obvious to provide to the user in the invention of West user preferred programming by storing the category label for programs presented to the user by compiling a viewing history. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the user in the invention of West, user preferences based on the viewing history of the user, as taught by Lawler,

Art Unit: 2711

because it would have been obvious that providing the user with user preferences based on user viewing history would provide the user with programming that the user would want and enjoy.

Considering claim 24, West does not specifically disclose the claimed further comprising means for presenting to the user a menu of programs based on the viewing history for the user.

West discloses of presenting to the user programming which can be censored from the user location. Lawler also discloses of providing programming to the user, and teaches of a server providing to the user the user viewing preferences. It would have been obvious to provide the user in the invention of West user preferred programming. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the user in the invention of West, user preferences based on the viewing history of the user, as taught by Lawler, because it would have been obvious that providing the user with user preferences based on user viewing history would provide the user with programming that the user would want and enjoy.

Considering claim 25, West does not specifically disclose the claimed further comprising means for presenting to the user a menu of programs based on the input signal which indicates the user's level of enjoyment of a program. Please refer to claim 24 for reasons of obviousness.

Considering claim 26, West does not specifically disclose the claimed further comprising means for presenting to the user a menu of programs based on the input signal which indicates the user's level of enjoyment of a program. Please refer to claim 24 for reasons of obviousness.

Art Unit: 2711

4. Claims 38, 39, 40 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over West in view of Olivo.

Considering claim 38, West discloses:

1) the claimed In an information access system, a method for creating a local information label for use in controlling access to information which has associated therewith an information label related to the content of the information (col 5 lines 20-52 and col 6 lines 42-62),

2) the claimed providing to a user a plurality of category labels each identified by a standardized description of a particular type of information content (col. 18 lines 29-32, col. 5 lines 20-40, providing to a user a plurality of category labels is met by transmitting a plurality of category labels for a plurality of television programs).

3) the claimed prompting the user to input a value which is indicative of an amount of said information content into the information access system for each of the category labels (col. 18 lines 29-32, col. 5 lines 20-40, West inherently discloses prompting the user to input a value indicative of an amount of information content into the information access system for each of the category labels since a local category label is formed by user inputting rating values to block the undesired portions of programming).

4) the claimed creating a local information label based upon each of the category labels in response to the input values (col. 18 lines 29-32, col. 5 lines 20-40, West inherently discloses the claimed limitation since values must be inputted to form a local category label to block out portions of undesired programming),

Art Unit: 2711

except for:

1) the claimed receiving information as frames of a signal and providing for prevention of access to a part of each frame which does not have information content which compares favorably with the local information label.

West discloses blocking out programming that is not appropriate to viewers. Olivo discloses utilizing ratings input by a viewer to block out only those frames of programming that are not appropriate thus enabling the viewer to receive the rest of the programming. The Examiner takes official notice that blocking out portions of frames by blurring or bleeping out profanity would have been well known in the art to prevent the user receiving in-appropriate programming. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify West based on the teaching of Olivo and knowledge in the art to include the claimed limitation to enable the viewer to receive those frames which are appropriate and blocking those that are not.

Considering claim 39, West specifically disclose the claimed wherein the information content includes subcategories of at least violence and sex (col. 18 lines 29-32).

Considering claim 40, West discloses the claimed wherein the information access system stores the local information label, the received information including an associated information content label which varies.

Considering claim 42, West discloses the claimed Television signal.

Art Unit: 2711

*Allowable Subject Matter*

5. Claims 27 - 33, 35, 36 and 52 - 54 are allowed.
6. Claims 58 - 60 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Response to Arguments*

Applicant's Arguments / Examiner's Responses

(1) Even assuming that West et al system asks a "question" when it requests the users PIN number, the answer to that "question" does nothing to create an local label.

When the user inputs a PIN number, a local label with respect to that PIN number is generated or formed. The PIN number, assigned to each user, is used to provide a user with appropriate programming for that user. As a result, when a user, inputs a PIN number, the local label for the user is generated, or formed, enabling a user to view programming which is appropriate. Claim 16 is so broad that West reads on the claimed limitations.

Art Unit: 2711

(2) Claims 27 to 30 are directed to an aspect of the invention which nowhere taught or even suggested by West. Specifically, these claims are directed to the creation of a local information label based upon the reaction of the user while actually receiving information.

The Examiner concurs that West does not disclose modifying the value associated with local category label based on the received indication from the user. The rejection applied to claims 27 to 30 is withdrawn and the claims have been allowed.

(3) The Examiner acknowledges that West does not disclose the creation of a viewing history for an individual user. It is respectfully submitted that Clanton does not either..

The Examiner concurs. However, creating of a user history is well known in the art. See rejection above.

(4) Regarding claim 34, Applicant's argue the disclosure of Olivo does not teach of even remotely suggest the scheduling of advertisements, let alone doing it based on information content of the information being transmitted. I

The Examiner concurs. The claim has been allowed.

(5) Regarding claims 45-47, Applicant's argue that broadly sets forth the method of scheduling advertisements based on the information labels and thus the content of the programs ant that it would not have been obvious to modify West to include this feature.

After further consideration, the Examiner concurs that these limitations are not obvious, as a result, the claims have been allowed.



Art Unit: 2711

(6) Regarding claim 37, Applicant's argue that West fails to teach the claimed limitation. The Examiner concurs, as a result, claim 37 has been allowed.

(7) Regarding claim 38, the Examiner concurs that Olivo discloses blocking a frame and not part of a frame. However, as indicated in the rejection of claim 38, blocking part of a frame by burring or bleeping would have been notoriously well known in the art, as a result, the Applicant's arguments are not persuasive.

(8) Regarding Applicant's arguments to claim 42, the combination of West, Olivo and knowledge in the art discloses the claimed invention as discussed in (7) above.

(9) Regarding Applicant's arguments to claims 44 and 48, Applicants argue that in spite of the potential to forget a PIN, west does not suggest voice recognition, physical characteristic recognition or the like in lieu of a PIN.

The Examiner maintains that it would have been obvious to one skilled in the art to modify the West patent to include the claimed limitations. As a result, the Applicant's arguments are not persuasive.

### ***Conclusion***

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Art Unit: 2711

**or faxed to:**

(703) 308-9051, (for formal communications intended for entry)

**Or:**

(703) 308- 5399 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

7. Any inquiry concerning this communication or earlier from the examiner should be directed to Vivek Srivastava whose telephone number is (703) 305 - 4038. The examiner can normally be reached on Monday - Thursday from 7:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andy Faile, can be reached at (703) 305 - 4380.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 305 - 3900.

VS

4/5/02



**VIVEK SRIVASTAVA  
PATENT EXAMINER**